IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3067 OF 2006

Shri Vishnu Pandurang Kadam ... Petitioner

Versus

Shri Vilas Nana Kadam & Ors. ... Respondents

Mr. DilipBodke, Advocate, for the petitioner.
Mr. H.G.Wakshe, Advocate, i/b. Ms. Prajakta P.Shinde, Advocate for Respondents Nos. 1 to 5.
Mr. R.M. Patne, AGP, for Respondent No.6.

CORAM: J.H.BHATIA,J.

DATE : 14th September, 2007.

P.C.

1. Heard learned Counsel for the parties.

2. From the record, it appears that the Consolidation Scheme was implemented in Village Wagheri sometime in the year 1961. The father of the petitioner was the owner of Gat No.17/1A and 17/2. It is the contention of the petitioner that these two lands were

consolidated and Gat No.46 was given to the same. Gat No.48 is given to the land of the respondents Nos. 1 to 5. It is contended that a portion of land admeasuring 6 Ares which is the actual part of Survey No.17/1A is in possession of the petitioner, but is wrongly shown in Gat No.48.

3. For correction of this record, the petitioner made an application to the Deputy Director of Land Records, Pune Division, Pune. That application came to be rejected by order dated 30.9.2002 on the ground that the statements of the parties were recorded and in their presence boundaries were marked. At that time, the father of the petitioner was also present and his statement was recorded. On the basis of this consolidation record was finalised in 1961-62 and since 1962-63, Gat No.46 is shown in the name of the petitioner, never any dispute was raised about the actual area of Gat No.46 or Gat No.48. For the first time, on 20.8.1997, the petitioner moved an application for correction of that record. The learned Deputy Director of Land Records noted that this request made after 35 years cannot be considered.

4. From the impugned order, it appears that about the proposed consolidation, notice was displayed in the village for a period of one month, no objections were

taken. The record was prepared on the basis of the statements of the parties, including father of the petitioner. If there was any mistake in the record, objection could be taken and application could be moved for correction of the same.

5. The learned Counsel for the petitioner contends that no period of limitation is prescribed for making such an application. In such circumstances, the application should be moved within reasonable time and, in any case, within three years. The application for correction was made more than 35 years after the consolidation record was finalised. In the circumstances, I find no fault with the impugned order passed by the Deputy Director of Land Record.

The Petition stands dismissed.

(J.H.BHATIA,J.)